

REMARKS

Claims 2-17 are all the claims pending in the application. Claim 1 has been canceled and claims 2, 3, 5 and 9 have been amended to depend from claim 17.

Entry of the above amendments is respectfully requested.

Claims 1-17 remain rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Ito et al. (European Patent No. EP 950922 A1) in view of Kondo (U.S. Patent No. 6,080,535).

Applicants respectfully traverse the Examiner's *prima facie* obviousness rejection because the combination of Ito with Kondo fails to render obvious the present invention.

Basically, the Examiner indicates that compound 27 is within the scope of formula (I), and thus, asserts that the claimed invention is rendered obvious by the cited references.

Initially, claim 1 has been canceled, and thus, the only independent claim is claim 17. Claim 17 recites a Markush grouping for the R₃ substituent. Specifically, claim 17 recites "R₃ in each of the general formulae (I) and (II) is selected from the group consisting of an alkyl group, alkenyl group, halogen atom, cyano group, nitro group, acylamino group, sulfamoyl group, alkyl- and arylsulfinyl groups, alkyl- and arylsulfonyl groups, acyl group, aryloxycarbonyl group, alkoxy carbonyl group and carbamoyl group". Accordingly, Ito's compound 27 is excluded from the scope of claim 17. Therefore, it is respectfully submitted that claim 17 is patentable over the combination of Ito and Kondo.

In addition, each of claims 2-16 depend, directly or indirectly from claim 17, and thus, it is respectfully submitted that these claims are patentable at least for the same reasons as claim 17.

**AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 10/689,356**

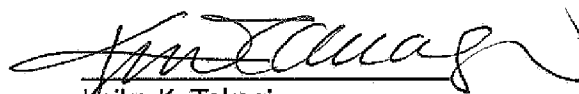
Attorney Docket Q77836

In view of the above, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a).

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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